IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.76054-M of 2006(O&M)

DATE OF DECISION: DECEMBER 4, 2006

S.K.Grover

...PETITIONER

VERSUS

State of Haryana and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.R.K. Lamba, Advocate,
for the petitioner.

...

The petitioner, who is the complainant in case FIR No.335 dated 1.9.2005 registered under Sections 406/420 IPC at Police Station Central Faridabad, District Faridabad, has filed this petition under Section 482 Cr.P.C. for quashing the order dated 9.11.2006 passed by the Addl.Chief Judicial Magistrate, Faridabad, whereby regular bail was granted to respondent No.2.

I have heard the counsel for the petitioner and gone through the impugned order dated 9.11.2006. In the order, it has been observed that respondent No.2 was granted anticipatory bail by this Court in Crl.Misc.No.59245-M of 2005 on the undertaking given by him that he is ready to return the amount of Rs.7.00 lacs to the complainant and he will deposit the same in the court. He also gave an undertaking that he will neither sell the disputed plot during the pendency of the case nor create any encumbrance thereon for a period of one year. He was granted anticipatory bail till conclusion of the investigation or three months whichever is later

during which respondent No.2 will be free to apply for regular bail to the concerned court. Subsequently, respondent No.2 sought extension of time for depositing the aforesaid amount, which was ultimately granted to him by the Supreme Court vide order dated 28.9.2006 passed in Criminal Appeal No.1019 of 2006. Subsequently, the challan was filed and on filing the challan an application was moved by the counsel for respondent No.2 for grant of bail to him. On the said prayer, arrest warrant issued by the Court against respondent No.2 was cancelled and he was directed to furnish the bail bonds in the sum of Rs.25,000/- with one surety in the like amount. The trial Court has passed the said order in view of the fact that the Supreme Court had extended the time of depositing the amount in the name of Mr.Akhil Grover and Ravinder Anand. The trial Court observed that respondent No.2 remained throughout on anticipatory bail and merely because the challan was filed, he could not be dis-entitled to submit the regular bail bonds. Accordingly, the said order was passed. I do not find any ground to quash the said order.

Dismissed.

December 4, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE